

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--------------------------------------|---|--------------------------------|
| EVART ENTERPRISES, INC., | : | |
| | : | |
| Plaintiff, | : | Docket No. 07 CV 5441 |
| | : | (DLC) (DFE) |
| - against - | : | |
| GENTLEMEN'S VIDEO, INC., | : | <u>PROOF OF SERVICE</u> |
| MICHAEL ESPOSITO and SCOTT ESPOSITO, | : | |
| | : | |
| Defendants and | : | |
| Third-Party Plaintiffs, | : | |
| | : | |
| - against - | : | |
| ED DePRIEST d/b/a "ED DePRIEST | : | |
| PRODUCTIONS", | : | |
| | : | |
| Third-Party-Defendant. | : | |
| | : | |
| -----X | : | |

DAVIS BEST, hereby states as follows:

1. I am a licensed process server employed by United Process Servers, 3320 South Higuera Street, #323, San Luis Obispo, California 93401. My license # is: 154.
2. I duly served copies of the Third-Party Summons, Third-Party Complaint and Plaintiff's First Amended Complaint on Ed DePriest d/b/a/ Ed DePriest Productions, 1614 5th Street, Los Osos, California 93402, as follows:

A. By affixing such papers to the front door of said premises on March 18, 2008 at 7:09 PM.

B. By thereafter mailing said papers to said individual on March 18, 2008, in a securely wrapped, postage prepaid envelope, properly addressed to said individual at said address, bearing the legend "personal and confidential, and not indicating on the outside that the communication was from an attorney or concerned an action against said individual being served.

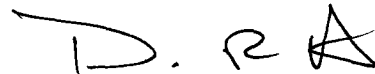
3. Prior to serving said individual in such manner, I attempted to personally serve such individual, with due diligence, as follows:

| Day | Date | Time | Location | Results |
|------|----------|----------|----------|---|
| Tues | 02/26/08 | 7:13 pm | Home | NO ANSWER; CAR IN DRIVEWAY. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |
| Wed | 02/27/08 | 5:20 pm | Home | NO ANSWER; CAR IN DRIVEWAY. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |
| Thu | 02/28/08 | 12:40 pm | Home | NO ANSWER. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |
| Fri | 02/29/08 | 7:10 pm | Home | NO ANSWER. WHITE CAR IN DRIVEWAY. HEARD SOMEONE INSIDE. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |
| Sat | 03/01/08 | 4:20 pm | Home | NO ANSWER; WHITE CAR IN DRIVEWAY; SAW LIGHT ON UPSTAIRS. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |
| Sun | 03/02/08 | 1:17 pm | Home | NO ANSWER; WHITE CAR IN DRIVEWAY; HEARD SOMEONE WALKING AROUND INSIDE. Attempt made by: DAVIS BEST. Attempt at 1614 5 th STREET, Los Osos, CA 93402. |

C. I am advised by counsel for defendants/third-party plaintiffs that delivery of a notice mailed to Ed DePriest d/b/a Ed DePriest Productions at said address pursuant to F.R.Civ.P. 4(d), was verbally acknowledged by said individual.

5. I hereby affirm the above statements to be true under the penalty of perjury.

Executed at San Luis Obispo, California
on the 20th day of March, 2008

A handwritten signature in black ink, appearing to read "D. R. A", is written above a horizontal line.

DAVIS BEST